

AMENDED IN ASSEMBLY MAY 22, 2008

AMENDED IN ASSEMBLY MAY 19, 2008

AMENDED IN ASSEMBLY APRIL 8, 2008

AMENDED IN ASSEMBLY MARCH 24, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 2153

**Introduced by Assembly Members Krekorian and Hancock
(Coauthor: Assembly Member Huffman)**

February 20, 2008

An act to add Section 21150.10 to the Public Resources Code, relating to water conservation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2153, as amended, Krekorian. Water conservation.

The California Environmental Quality Act (CEQA) requires a city or county, if it determines that a project is subject to CEQA, to identify any public water system that may supply water for the project and to request those public water systems to prepare a specific water supply assessment, except as otherwise specified. If the city or county is unable to identify the water supply system, the city or county is required to prepare the water supply assessment after a prescribed consultation.

This bill would, *with certain exceptions*, require a residential or commercial building project that is subject to CEQA to implement all feasible and cost-effective water efficiency measures. The project would be required to mitigate its projected annual water consumption, as specified. Defined affordable housing projects and public building projects would be exempted from this mitigation requirement. Public

building projects would be required to implement feasible and cost-effective water efficiency that are required by the existing building standards. The mitigation measures taken would be reviewed, approved, and monitored by the lead agency. *The lead agency, in consultation with a water supplier, would be authorized to deem a residential or commercial building project to be in compliance with the mitigation requirement if the lead agency determines that compliance by the building project with a local program would result in equivalent or greater mitigation of the building project’s water supply impacts.*

Because a lead agency, which includes a local agency, would be required to review, approve, and monitor the mitigation measures, this bill would increase the level of services provided by a local agency, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) Securing water supply reliability is vital to California’s
- 4 business climate, as well as to the health of the agricultural
- 5 industry, environment, rural communities, and residents who
- 6 continue to face the possibility of severe water cutbacks during
- 7 water shortage periods.
- 8 (2) As water supply reliability decreases, diversions from already
- 9 stressed waterways and overdrafted groundwater basins increase,
- 10 resulting in significant environmental impacts.
- 11 (3) With increasing frequency, California’s water agencies are
- 12 required to impose water rationing and water rate increases on
- 13 their residential and business customers due to reduced water
- 14 supply reliability.
- 15 (4) Water supply reliability for all regions of the state has been
- 16 declining in recent years due to climate change, ecosystem crisis
- 17 in the Sacramento-San Joaquin Delta and other waterways,

1 extended drought in the Colorado River Basin, contamination of
2 groundwater basins, and increasing demand for water to sustain
3 growth in California.

4 (5) In 2006, the Department of Water Resources issued a report
5 on climate change and California's water resources concluding
6 that climate change is likely to continue to have significant effects
7 on the state's water supply projects and the Sacramento-San
8 Joaquin Delta.

9 (6) Existing residents and businesses will be subject to
10 increasing water rates and assessments in order to maintain existing
11 levels of water supply reliability and adapt to the impacts of climate
12 change on water supplies.

13 (7) Disadvantaged communities in California will be
14 disproportionately impacted by reduction in water supply reliability
15 due to the lack of efficient water appliances and infrastructures,
16 as well as a reduced ability to pay increased rates for water
17 supplies.

18 (8) With California's population expected to reach nearly 60
19 million people by the year 2050, California must accommodate
20 millions of more residents in the coming decades.

21 (9) New water demands will further decrease water supply
22 reliability and result in an additional financial burden to existing
23 residents and businesses and in significant environmental impacts
24 if the water demands are not mitigated.

25 (10) There are a variety of measures available to secure and
26 restore water supply reliability within California.

27 (11) Bulletin 160-05, the California Water Plan update, projects
28 that urban water conservation can reduce water demand by between
29 two and three million acre-feet of water per year by the year 2030.

30 (12) The plan also projects that recycled water can increase
31 water supplies by over one million acre-feet by the year 2030.

32 (13) Stormwater capture, groundwater treatment, greywater,
33 and infrastructure replacement have also been identified as potential
34 water supply reliability management tools.

35 (14) To avoid the significant environmental and economic
36 impacts associated with reduced water supply reliability, California
37 must accommodate growth while securing water supply reliability
38 for the benefits of the people, the economy, and the environment
39 of California.

1 (b) It is the intent of the Legislature to strengthen the process
2 pursuant to which local agencies avoid significant impacts and
3 secure water supply reliability within a region when considering
4 projects that increase the annual water consumption.

5 SEC. 2. This act shall be known and may be cited as the Water
6 Efficiency and Security Act.

7 SEC. 3. Section 21150.10 is added to the Public Resources
8 Code, to read:

9 21150.10. (a) A new residential or commercial building project
10 that is subject to this division shall implement all feasible and
11 cost-effective water efficiency measures within the interior and
12 exterior of the project.

13 (b) If, after implementing all feasible and cost-effective water
14 efficiency measures within the interior and exterior of the project,
15 the residential or commercial building will result in any new
16 residential or commercial annual water consumption, as projected
17 by its water supplier, the project shall mitigate its projected annual
18 water consumption, including within the interior and exterior of
19 the project, within the same hydrologic region, through any of the
20 following measures:

21 (1) Water efficiency measures including interior and exterior
22 water conservation.

23 (2) Infrastructure rehabilitation resulting in reduced water loss
24 due to leaking pipes or reduced need to flush pipe systems.

25 (3) Recycled water facilities.

26 (4) Groundwater remediation and treatment facilities.

27 (5) Stormwater capture facilities.

28 (6) Greywater systems.

29 (c) The mitigation measures taken pursuant to subdivision (b)
30 shall be reviewed, approved, and monitored by the lead agency in
31 consultation with the water supplier.

32 (d) For the purpose of this section, mitigation measures shall
33 meet all of the following criteria:

34 (1) At least 40 percent of the mitigation of annual water
35 consumption shall be accomplished through projects that serve
36 disadvantaged communities within the same hydrologic region of
37 the proposed project.

38 (2) (A) Programs or projects implemented to achieve mitigation
39 shall have a life expectancy of at least 20 years and have
40 quantifiable results that result in the capacity to make available or

1 decrease the demand for an amount of water equal to the projected
2 annual water consumption of the project.

3 *(B) Notwithstanding subparagraph (A), if the costs of*
4 *implementing the programs or projects that result in the required*
5 *quantifiable result are more than 1 percent of the total price of*
6 *the commercial or residential building, the new residential or*
7 *commercial building project shall only be required to implement*
8 *programs or projects that, in total, cost no more than 1 percent*
9 *of the total price of the commercial or residential buildings and*
10 *that, to the maximum extent feasible, approach the quantifiable*
11 *result specified in subparagraph (A).*

12 *(C) Notwithstanding subparagraph (A), if the new residential*
13 *or commercial building project only replaces an existing residential*
14 *or commercial building, the project shall only be required to*
15 *implement programs or projects to mitigate the amount of water*
16 *consumed by the new residential or commercial building project*
17 *that exceeds the annual average water consumption, for the*
18 *proceeding five years, of the residential or commercial building*
19 *being replaced.*

20 (3) Programs and projects implemented to achieve the mitigation
21 of annual water consumption shall to the extent feasible, as
22 determined by the lead agency, minimize greenhouse gas
23 emissions, minimize environmental impact, reduce contaminated
24 runoff, and provide environmental benefits.

25 (e) Mitigation measures undertaken pursuant to subdivision (b)
26 may be carried out in or serve affordable housing communities
27 and projects, or public buildings, including public education
28 facilities.

29 (f) Public building projects shall implement all feasible and
30 cost-effective water efficiency required by subdivision (a) that are
31 required by existing building standards, but shall be exempt from
32 the mitigation requirements set forth in subdivision (b).

33 (g) Affordable housing projects shall implement all feasible and
34 cost-effective water efficiency required by subdivision (a), but
35 shall be exempted from the mitigation requirements pursuant to
36 subdivision (b).

37 (h) For the purposes of this section, the following terms shall
38 have the following definitions:

39 (1) “Affordable housing project” means a housing project
40 specified in Section 50052.5 of the Health and Safety Code.

1 (2) “Disadvantaged community” has the same meaning as that
2 set forth in Section 75005.

3 (3) “Hydrologic region” has the same meaning as set forth in
4 the California Water Plan developed pursuant to Part 1.5
5 (commencing with Section 10004) of Division 6 of the Water
6 Code.

7 (4) “Public building” means a building owned and occupied by
8 the state, a county, a city, a regional agency, a school district, the
9 University of California, the California State University, or a
10 California community college district.

11 (i) *If a lead agency, in consultation with a water supplier,*
12 *determines that a local program applicable to the new residential*
13 *or commercial building project achieves equivalent results in water*
14 *supply reliability as, or greater results in water supply reliability*
15 *than, required by this section, the lead agency may deem the new*
16 *residential or commercial building project to be in compliance*
17 *with this section if the building project complies with the*
18 *requirements of the local program.*

19 (j) *This section does not limit a local agency’s authority to*
20 *implement local programs related to water supply reliability.*

21 SEC. 4. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 a local agency or school district has the authority to levy service
24 charges, fees, or assessments sufficient to pay for the program or
25 level of service mandated by this act, within the meaning of Section
26 17556 of the Government Code.